FOR MYSORE STATE

Agri (1956) Department.

MS SERIES.

G.O. No. 765

Past

J. I

hpdl.

Dated 20-3-1956

17

[Despatch Abstract.]

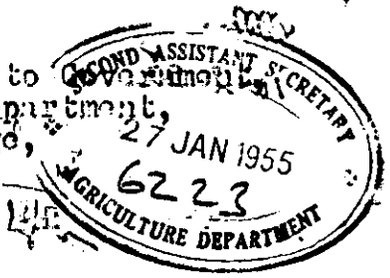
Acts and Rules - M.C.C.M. Act - South Kanara Market committee - Electorate of growers - Devise in notification — Issued

Ref.A5/26053/54.

South Kanara Collector's Office,
Mangalore, dated:19-1-55.

From
Sri A. Kunhamed,B.A.,
Collector of South Kanara,
Mangalore.

To
The Secretary to Government,
Agriculture Department,
Fort St. George,
MADRAS - 9.



Sir,

SUB:- ACTS AND RULES:- Madras Commercial Crop Markets Act-Electorate for growers -Number for each Division - In South Kanara District - Report - Submitted.

REF:- G.O.Ms.No.1904, Food and Agricultural Department, dated:3-10-50.

In their order cited the Government have fixed the number of members of growers of coconut and its by-products and Arecanuts in the Revenue Divisions of South Kanara District as shown below.

REVENUE DIVISION.	NUMBER OF MEMBERS.
Puttur Division.	3.
Mangalore Division.	1.
Coondapur Division.	1.

2/- Consequent on the introduction of the Scheme of seperation of the Judiciary from the Executive in this District with effect from 1-7-1954, the former Mangalore Revenue Division, has been abolished. The Mangalore Main Taluk and the Buntwal Sub Taluk of the former Mangalore Revenue Division have been included now in the Coondapur and Puttur Revenue Divisions respectively.

3/-I request, therefore that the Government may be pleased to issue a revised notification fixing the number of grower members to be elected by each Revenue Division in this Division as follows:-

REVENUE DIVISION.	NUMBER OF MEMBERS.
Puttur Division.	3.
Coondapur Division.	2.

Yours faithfully,

23-1-55.
For Collector.

Copy to:- The Secretary, S.K. Market Committe, P.B.No.63, Mangalore, with reference to his letter No.9151, dated:17-1-55.

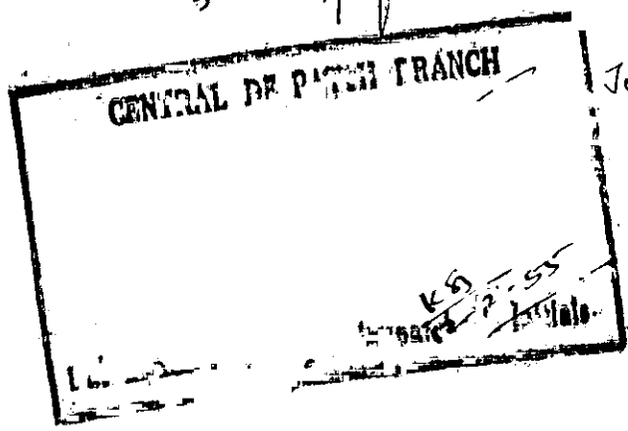
E.N./21.1.55.

Afre (BIV)

Endt No 6223 BIV/55-1 dt 10.2.55

Referred to the DA for urgent remarks

ER
9/2/55

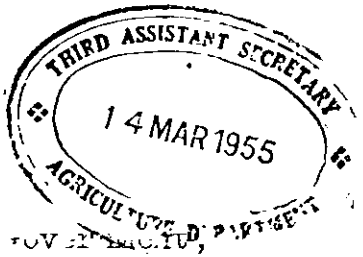


To The DA (with Copy of p.1 above)

R. three weeks
R 3.2.55

ER 14.3.55

ER 3.4.55



Agriculture Department

From
Sri K.S. Sivaraman, I.A.S.,
Director of Agriculture,
Chepauk, Madras-5.

To
The Secretary to Government,
Agriculture Department
Fort St. George, Madras.

No. L.Dis.J.1.403/55 dated 10-3-1955.

20276

Sir,

Sub: Acts and Rules - Madras Commercial Crops Markets Act - Electorate for growers - Number for each Division in South Kanara District - Remarks - Offered.

12 above

Ref: Government endorsement No.6223 P.I/55-1 Agriculture Department dated 10-2-1955.

-o-o-o-

The regrouping proposed by the Collector follows the regrouping of taluks to form revenue divisions. The proposal of the Collector is therefore supported.

Sd. K.Sivaraman.
for Director of Agriculture.

--By order--

Asst. [illegible]

VR/-12-3-1955.

Ref. A5. 26053/54 South Kanara Collector's Office,
Mangalore dt. 7.5.1955.

...

From

Sri M.C. Raja ram, I.A.S.,
Collector of South Kanara.

To

The Secretary to Government,
Agriculture Department,
Fort St. George, MADRAS 9

THIRD ASSISTANT SECRETARY TO GOVERNMENT
15 MAY 1955
AGRICULTURE DEPARTMENT

Sir,

Sub: ACTS AND RULES - Madras Commercial Crops Markets Act - Electorate for Growers - Number of each division in South Kanara District - Orders on report - Solicited.

Ref: This office Ref. A5. 26053/54 dt. 10.1.55

***

47171 I invite attention to my reference cited and request early orders. A copy of the said reference is enclosed for ready reference.

Yours faithfully,

12.5.55
For Collector

Enc. Copies of Ref. A5. 26053/54 dt. 10.1.55

R.P.D. 12.5. (Same as No. 1 above)

Copy of Ref. A5. 26053/54 dt. 10.1.55 from the Collector of South Kanara to the Secretary to Govt. Agriculture Department, Fort St. George, MADRAS

...

ACTS AND RULES - Madras Commercial Crops Markets Act - Electorate for Growers - Number for each division in South Kanara district - Report submitted.

Ref: G.O.Ms. No. 1004 Food and Agriculture dt. 3.10.50

In view their order cited the Government have fixed the number of members of growers of coconut and its by products and arecanuts in the Rev. Divisions of South Kanara District as shown below:

Revenue Division	Number of members
Puttur Division	3
Mangalore Division	1
Coonapur Division	1

2. Consequent on the introduction of the Scheme of Separation of the Judiciary fromthe Executive in this District with effect from 1.7 1954 the former, Mangalore Revenue Division has been abolished. The Mangalore main Taluk and the Buntwal Sub Taluk of the former Mangalore Rev. Division have been included now in the Coondapur and Puttur Revenue divisions respectively.

3. I request, therefore, that the Government may be pleased to issue a revised notification fixing the number of grower members to be elected by each Rev. Division in this district as follows:

Revenue Division	Number of members
Puttur Division	3
Coondapur division	2

/True copy/
12-5-55
For Collector

AGRICULTURE DEPARTMENT

No. [illegible]/A.I./51-1, dated 17th October, 1951.

Sub: [illegible] No. 13 of 1950 - High Court, [illegible] - Madras Commercial Crops (Marketing) Act, 1933 - Validity.

Ref: Correspondence resting with the letter from the Special Government Pleader, Madras No. 041/1 dated 5th September, 1951.

The Special Government Pleader, Madras, is requested to submit a copy of the order of the High Court in the above writ petition referred to in the Government endorsement No. [illegible]/A.I./51-1, Agriculture, dated 5th September, 1951, and also copies of other relevant orders of the Madras Court, i.e., [illegible] to the activities of the Coconut [illegible]. This may be treated as [illegible] to be taken while replying to [illegible] the validity of the Act before the Madras Court.

[illegible] of the High Court referred to above, may be submitted to the Government in due course.

By Order of the Governor,

[illegible]

To The Special Government Pleader, Madras.
Copy to the Director of Agriculture, Madras.
Copy to the Collector of South Kanara, Mangalore.

[illegible]

[illegible]

AGRICULTURE (A.IV) DEPARTMENT

Sub:- ACTS AND RULES - Madras Commercial Crops Markets Act - South Kanara ~~Coconut and Arecanut~~ Market Committee - Electorate of growers - Division - Notification - Issued.

Read again:- G.O.Ms.1904, F. & A., dated 3-10-1950.
Read also:-
From the Collector of South Kanara, Ref.No.A5.26053/54 dated 19-1-1955

G.O.Ms.No 765. dt. 20/3/56.

In supersession of Notification No.II issued with the G.O. ~~x~~ read above, the following notification will be published in the Fort St. George Gazette:

Notification.

In exercise of the powers conferred by section 6(3) (a) of the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), and in supersession of Food and Agriculture Department Notification ~~No.~~ dated the 3rd October 1950, published at page 2897 of Part I of the Fort St. George Gazette, dated the 17th October 1950, the Governor of Madras hereby directs that the growers ~~of Coconu and its by-products and Arecanuts~~ in the revenue divisions of the South Kanara district mentioned in column (1) or the Schedule below shall elect to the South Kanara Market Committee the number of members mentioned in the corresponding entry in column (2) thereof.

SCHEDULE.

REVENUE DIVISION.	NUMBER OF MEMBERS.
Puttur Division	3
Coondapur Division	2

To

The C.S. & P. (for publication in the notification in the F.S.G.G.

Published in F.S.G.G. ~~Pt~~ Part II at p. 347 dt. 28.3.56.

P.T.O.

To

The D.A., Madras.
The Collector of South
Kanara.
The Chairman, South
Kanara Market Committee,
Mangalore.
Copy to S.F. ~~(E.O.)~~.

Agri (BIV) Dept.

Sub: Acts & Rules - Madras Commercial Crops Markets Act - South Kanara Coconut and Arecanut Market Committee - Electorate for growers - Division - Notification - Issued.

Read again: G.O.Ms. 1904, F & A, dated 3-10-1950.

Ref: From the Collr. of South Kanara Ref. No.A5.26053/54, dated 19-1-1955.

In supersession of Notification No. II issued with the G.O. read above, ~~published at p. 2987~~ 2897 ~~of Fort St. George Gazette dated the 17th October 1950~~ of Part I of ~~F.S.G.G.~~ dated ~~17-10-50~~ the following notification will be published in the Fort. St. George Gazette:

Notification.

In exercise of the powers conferred by section 6(3) (a) of the Madras Commercial Crops Markets Act, 1933, (Madras Act XX of 1933), ~~His Excellency~~ the Governor of Madras hereby directs that the growers of Coconut and its by-products and Arecanuts in the revenue divisions of the South Kanara district mentioned in column (1) of the Schedule below shall elect to the South Kanara ~~Coconut and Arecanut~~ Market Committee the number of members mentioned in the corresponding entry in column (2) thereof.

p.t.o.

2

12

[The] Schedule.

Rev	REVENUE DIVISION.	NUMBER OF MEMBERS
	Puttur Division.	3
	Coondapur Division.	2

19/3/55
19.3.55

24/3/55

To

The ~~S.G.P.~~ C.S.&P. (for for publication of the notification in the F.S.G.G.)
The D.A.

The Collr. of S. Kanara.

The Chairman, S. Kanara. ~~Coconut and Arecanut~~ Market Committee, Mangalore.

Copy to S.F. ~~(E.O)~~

To As

Based on the proposal of the Collr. of South Kanara which is supported by the DA. on p. 3 of on p. 1 of 2 a draft order is subd. on pp 1 2 above.

for consideration.

2. Law (Scrutiny) may see before circulation

Rev & Home may also see

19/3/55
19.3.55

24/3/55

Rev. Deptt.

To As.

The draft order on pp 1-2 above may be perused and the file passed on to Home.

14/3/55

Home. Home

31.3.55

Agri No. 6223/B IV/55-2

26.3.55

40630

29 MAR 1955

29965

29887 H

30-3-55

Rev No. 29887 H/55-1

2/4/55

Home (Cls.I) Deptt.

The draft order on pp. 1-2 ante may be perused and the file passed on to Law.

6/4/55 9.4.55 Law

Thro
Cls.I.
6/4/55

Home U.O. No.
H.6.30 Cls.I/55-1
9.4.55.

Law (Scrutiny) Department

The slight alterations indicated in red ink on the draft notification may be made. It is presumed that Agriculture would decide on the draft notification after a decision is taken on the top file.

ASSISTANT SECRETARY 11 APR 1955 5177 DEPT. OF ...

1 S | Apl

22.4.55 25/4/55

dgn (B IV).

Law U.O. 5177/55.
25.4.55.

Jo As.

In view of the presumption expressed by Law Dept. above, further action in this file may lie over till 15/5/55 or till a decision is reached in top file whichever is earlier.

M | 27/4/55.

28/4/55 30/4/55

Jo As.

Results the letter from the Collr. of Kaira ante pp. 5 cf. may be perused.

2. The decision referred to has not yet been reached. In the Connected file, the Spl. A.P. has been asked to forward a copy of the injunction order

No. 1767/55
dt. 2/5/55

of the High Court, if any passed ~~by the~~ on the writ petition filed by certain merchants from Mangalore. The Spl. G.Ps. reply is awaited in the other file, (viz. relating to the question of proceeding with the work connected with the elections to the S.K. Market Committee) Pending a decision on this question, this file which related to readjustment of Constituencies in S.K. M. is lying over.

This may continue to lie over till 10/6/55 or till a decision is taken on the question at 'A' above; whichever is earlier. In the meantime, a draft interim reply to the Collr. of S.K. is subd. for approval.

17/5/55.

19/5/55

19/5/55

19/5/55

To As,

The Special G.P's reply is awaited in the other file, (viz. relating to the question of proceeding with the work connected with the elections to the S.K. Market Committee). This may continue to lie over till 25-6-55 or the Spl. Govt. Pleader's reply referred to above is received whichever is earlier.

15-6-55 15/6/55. 15-6-55

16/6/55

3vc 9067/55 not linked M

removed & given back 19/5/55

x 9067/55 not linked

Agri (BIV) Dept.

To A.S.

(Previous notes need not be read)

The case relates to the proposal of the Collr. of South Kanara for readjustment of the Constituencies of growers in the light of the separation of Judiciary in that Dt. for the purpose of conducting the elections to the South Kanara Market Committee. The proposal is to have 2 Revenue divisions viz., Puttur and Coondapur as against ~~xxxx~~ Buttur, Mangalore and Coondapur at present. The no. of grower members to be elected will be 5 as usual. The D.A. supported the proposal. Law Dept. have advised that a decision on the proposal might be taken after a decision is taken on the proposal relating to the preparation of electoral rolls Regarding the latter proposal, Law Dept. advised that it had to be decided w.r.t. the terms of the actual interim stay orders, if any, passed by the High Court on the writ petition against the South Kanara Market Committee now pending. In view of this, the file relating the question of taking a decision on proceeding with the work connected with the preparation of electoral rolls is lying over as the copy of the Stay orders called for from the Spl. G.P. ~~are~~ is still awaited. Consequently this file which relates to the readjustment of the growers constituency is also lying over.

There is one difference between these two questions. As work relating to the preparation of electoral rolls can be done only by the South Kanara Market Committee, a doubt arose that in case any interim stay orders had been passed by the High Court, the Committee which is impleaded as respondent would be legally disabled to proceed with the work. In respect of the readjustment of the growers constituencies, the Committee need not

b

take any action. But it is only the Govt. who issue orders in this regard. Only after these orders are issued can the Committee be in a position to proceed with the preparation of electoral rolls which in turn depends on the actual terms of the interim stay orders referred to as stated by Law. In the circumstances, it appears that the objection to proceed with the preparation of the electoral rolls need not apply to the issue of the draft notification on pp. 1-2 above. It is for consideration whether the draft notification on pp. 1-2 above may issue after approval in circulation.

Law may advise.

24/6/55

24/6/55

25/6/55

Law (Opn.)

Agri no. 62230 M/55-4

28/6/55

Law Department.

It will be possible to offer an opinion only after the receipt of the copy of the stay orders called for from the Special Government Pleader. It may however be pointed out that it is not correct to argue that the stay orders will bind only the Committee and that therefore the Government are at liberty to issue orders. If the orders of the Government are to be enforced through the Committee, then the stay order will operate and the order of the Government would become a mere dead letter. Agriculture may be requested to send the file with the copy of the stay orders issued by the High Court.

ASSISTANT SECRETARY 30 JUN 1955 8823 LAW DEPARTMENT, MADRAS

63645

ASSISTANT SECRETARY 8 - JUL 1955 AGRICULTURE DEPARTMENT

Law no 8823/55-1

7/7/55

4/7/55

4-7-55

6 : 2 — 3 / 55

Agre. (BTV)

To As.

The notes of law urp. 6 above may be perused. In the circumstances stated by that Dept., this may continue to lie over till 21/7/55 or till the copy of the Stay orders refd. to at 'i' urp. 6 above is recd. whichever is earlier.

M

SVR 9.7.55

87/7/55

87/7/55

To As.

The copy of the stay order refd. to at 'i' above is still awaited. This may continue to lie over till 6/8/55 or till the stay order refd. to is recd., whichever is earlier.

SVR 30.7.55

26/7/55

26.7.55

To As

The copy of the stay orders refd. to at 'n' above is still awaited. This may continue to lie over till 25.8.55 or till the stay order refd. to is recd whichever is earlier

SVR 16/8/55

13.8.55

13/8/55

8.

6223 AT/53

Agri (AT)

2c A.S.

Orders at the bottom of f/7 above

Attention is invited to the notes at f/17-18 ng in the top file (C-No. 9070 AW (55). The Spl. Govt. Pleader, Madras, is being asked in that file to send a copy of the order of the High court, Madras, granting interim stay and also copies of any other relevant orders of the court passed if any, restraining the activities of the S. Kanara Market committee. Further action in this file may be taken in consultation with Law Dept with ref. to the notes on f/6 above after receipt of the reply from the Spl. Govt. Pleader, in the top file.

This may be continued to lie over till 25.10.55, or till the receipt of the Spl. Govt Pleaders reply in the top file, whichever is earlier

Sd
8.10.55.

10.X.55

15/10/55

20 A.S.

Orders on ⁋8 above

Attention is invited to the interim reply since received from the Spl. Govt. Pleader at ⁋⁋5 cf. in the top file. The Spl Govt. Pleader has applied for a copy of the interim order made by the High Court in the writ petition.

This may be continued to lie over till 22.11.55 or till the receipt of the Spl. Govt. Pleader's reply in the top file, whichever is earlier

in
6.11.55

7/11/55

20 A.S.

XX

Notes of on ⁋⁋5-6 above may be perused.

With ref: to Law Dept's notes on ⁋6 above, attention is invited to the interim stay order of the High Court, Madras at ⁋⁋ 8.P-51 cf. in file No. P070 AW/55. It is only ordered therein that the Status quo ante W.P. No. 18 of 1955 on the file of the High Court (before 2(55)

L.F. ⁋1 below

⁋⁋1 cf of L.F. ⁋1

10

6223 Agri-55

may be maintained till the disposal of the said W.P. No. 187 1955 i.e, permission to export in the case of the petitioners should be governed by the orders of the Collector of Central Excise, Madras d. 25.3.55 (Ist ref) This order does not seem to have any bearing on the election and other allied work connected with the S. Kanara Market committee or to the issue of the charge notification at ref (2) above which relates to the notification of electoral divisions.

Law may be requested to advise whether the charge notification on ref (2) above may now issue after approval in circulation.

| A

Sd
11.11.55

Sd
11/11/55

Agriculture No. 6223 Agri/55-6 d. 12.11.55

Sd
11/11/55

Law

LAW DEPARTMENT.

A above may be done. But please see remarks in top file.

Sd
11/11/55

Sd
11/11/55

ASSISTANT SECRETARY
15 NOV 1955
15705
LAW DEPARTMENT

Law No 15705/II
24/11/55

6223 Air/55

Air (Air II)

20 A.S.

[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ [

12

Agri. A IV

To AS

The reply from the D.A. referred to at 'M' on p. 11 above is still awaited and the D.A. was reminded on 10-1-56. This may therefore continue to lie over till 30.1.56 or till the D.A's reply is received in the Office (referred to) whichever is earlier. Cms 7067/A IV/55

ons
16.1.56.

17.1.56

SM
18/1/56

draft order
pp 1-2 above

p 1y

p 3y

pp 2-3 above

Cno. 9067 Adv/55
linked

M. p.4y y/d.F.
d x p.5 " "

d in Case 9070 Adv/55.

'A' + 'B' p. 12y
y/d.F

p. 15 17y y/d.F

p 19y y.d.F

SUMMARY.

(Previous notes need not be read)

The proposal in this file is to have 2 Revenue Divisions (viz., Puttur and Coondapur) as against Puttur Mangalore and Coondapur at present for the purpose of electing 5 grower members to the South Kanara Market Committee. This suggestion was made by the Collector of South Kanara consequent on the introduction of the scheme of separation of Judiciary in that District. The Director of Agriculture supported the proposal. The draft order put up by this Department has been seen by Revenue, Home and Law Departments.

2. Law Department however, expressed a presumption that this Department would decide on the issue of the draft notification after a decision is taken on the file relating to the preparation of electoral rolls of the South Kanara Market Committee. The question of preparation of electoral rolls referred to was lying over for sometime as the terms of interim orders of the High Court on a writ petition filed before it (in which the Market Committee is a respondent) were not known. The interim orders of the Court were subsequently received and they contained no orders of the Court specifically restraining the Committees activities. However, the point whether there would be otherwise any objection under the Election Rules was got clarified by the Director of Agriculture and instructions were issued to the Collector that he might go ahead with the preparation of electoral rolls and keep them ready in manuscript, the question of printing the rolls and the actual conduct of elections being considered after the High Court's decision is known.

3. It is submitted that there is no need any longer to hold up the issue of the notification relating to the readjustment of the constituencies of the growers of the South Kanara District.

p.t.o.

14

AX 6223/56

Previously when similar notifications were issued the names of commodities produced by the growers were mentioned specifically. Though this is intended to ensure that only those growers who produce the notified commercial crops should be included in the electoral rolls, yet it appears that such notifications should be amended whenever regulation is enforced in respect of an additional crop or when one or more of the crops already notified are excluded. In view of this it appears that the portion marked within brackets in the draft notification may be substituted by the words indicated in the margin.

Law may be requested to state whether the notification below may issue as amended in pencil.

M 13/2/56.

15/2/56

DS 16/2/56 Law

LAW DEPARTMENT.

There is no legal objection to issuing the draft notification as altered in pencil at M thereon.

Agri'ture 6223 AIV/55-7

17.2.56.

5-3-56

ADS 5-3-56

ASSISTANT SECRETARY 20 FEB 1956 2674 LAW DEPARTMENT, MADRAS

Agri

Law No 2674/56-1

5-3-56

THIRD ASSISTANT - LAW TO GOVERNMENT 20218 6-MAR 1956 AGRICULTURE DEPARTMENT

15

Agr (A IV) Dept

Note for circulation.

The case relates to the proposal of the Collector of South Kanara for ~~refixing~~ revising of the electorate (Constituencies) of the growers ~~to~~ for the purpose of electing 5 grower members to the South Kanara Market Committee. The need for the ~~refixation~~ revision of the ~~electorate~~ Constituencies of growers has arisen as a result of the introduction of the scheme of separation of judiciary in the South Kanara Dt. resulting in making certain Taluks and Munsiff courts. The ~~typed~~ explain the proposal notes on pp. 13-14 above & The draft notification prepared by this dept. for revising the Constituencies has been perused by Law dept. It is now proposed to issue the draft notification.

The case may be circulated to M(A) for approval of the proposal on the draft notification.

7/8/56

8/3/56

S Venkata Raman
12/3/56

M(A)

N Muniswamy
17/3/56

M(A) M Bhaskaran
19/3/58

(Seen as Lo. MS. 76 dt. 20.3.56)

draft order now

pp. 1-3 above

2 below

1 above

* with the alterations of M thereof.